

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA ,)	
)	
Plaintiff,)	
)	No. 3:07-CR-051-3
v.)	Hon. Thomas A. Varlan, USDJ
)	
JOHNNIE MARTIN,)	
)	
Defendant.)	

MOTION FOR LEAVE TO WITHDRAW
AND FOR A CONTINUANCE

Undersigned counsel for The Defendant, JOHNNIE MARTIN, respectfully moves this Honorable Court under L.R. 83.4, E.D. Tenn. for leave to withdraw as counsel for this Defendant in this case.

IN SUPPORT of this Motion for Leave to Withdraw, undersigned counsel states that the relationship between attorney and client has deteriorated irreparably, such that undersigned counsel is likely to experience difficulty in convincing the Defendant that counsel will fulfill counsel's obligations of loyalty and effective assistance to this Defendant, and that the client-lawyer relationship is likely to remain impaired. See Tenn. Sup. Ct. R. 8, RPC 6.2(c) and *Comment (3)*; see also *id.*, RPC 1.16(b)(3) and (6) and *Comments (3) and (7)*.¹

¹ Undersigned counsel is aware of the Court's pending amendments to L.R. 83.5, 83.6, and 83.7, E.D. Tenn., by which the American Bar Association Model Rules of Professional Conduct would be substituted for the Tennessee Rules of Professional Conduct as the standard for attorney conduct. The comment period concerning the pending amendments continues through April 29, 2011. Undersigned counsel does not believe that the pending amendments would affect the bases for withdrawal in this instance.

Undersigned counsel further respectfully moves that the Defendant Mr. Martin be granted a continuance of the sentencing hearing scheduled in this case on Tuesday, April 19, 2011. The requested continuance would allow the Defendant Mr. Martin to have appointed or to retain counsel if the Defendant so wishes, and to subpoena witnesses to testify concerning sentencing issues or in support of the Defendant's pending motion for a new trial.

Respectfully submitted,

/s/ Francis L. Lloyd, Jr.

LAW OFFICE OF FRANCIS L. LLOYD, JR.

9111 Cross Park Drive
Suite D-200
Knoxville, TN 37923
tel: (865) 470-4077
fax: (865) 978-6504
E-Mail: FLLloydJr@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all the parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

I further certify that I sent true and exact copies of the foregoing document via facsimile transmission to:

Mr. Johnnie Martin, c/o Officer Mix: (229) 468-4107

/s/ Francis L. Lloyd, Jr.